

REMARKS

Claim Status and Rejections

Claims 124-130 and 211 have been indicated as being allowable. Claims 185 and 215 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Claims 48, 184, 188, 191, 198, 199, 206, 208, 209, 213, 214, 218, 221-223, 226, 228, 229 stand rejected under 35 USC § 102(b) as being anticipated by Montgomery, U.S. Patent No. 5,168,866.

Claims 186, 189, 204, 216, 219, 224 stand rejected under 35 USC § 103(a) as being unpatentable over Montgomery in view of Voges, U.S. Patent No. 5,894,841.

Claims 187, 205, 217, 225 stand rejected under 35 USC § 103(a) as being unpatentable over Montgomery in view of Voges and further in view of Weers, U.S. Patent No. 5,874,841.

Claims 190, 207, 210, 212, 220, 227 stand rejected under 35 USC § 103(a) as being unpatentable over Montgomery.

Claims 48, 184, 186-191, 198, 199, 204-210, 212-214 and 216-229 remain at issue.

The Amendments to the Claims

Without prejudice to the Applicants' rights to present claims of equal scope in a timely filed continuing application, solely to expedite prosecution and issuance of the application, the Applicants have amended Claims 185 and 215 and cancelled Claims 48, 184, 186-191, 198, 199, 204-210, 212-214 and 216-229.

The amendments to the claims do not introduce new matter. Applicants respectfully submit that the amendments to the claims put the case in condition for allowance. The Examiner is respectfully requested to enter the amendments to the claims and allow all amended claims.

Rejections Under 35 USC § 102

Claims 48, 184, 188, 191, 198, 199, 206, 208, 209, 213, 214, 218, 221-223, 226, 228, 229 stand rejected under 35 USC § 102(b) as being anticipated by Montgomery, U.S. Patent No. 5,168,866. Solely to expedite prosecution and issuance of the application, the Applicants have cancelled Claims 48, 184, 188, 191, 198, 199, 206, 208, 209, 213, 214, 218, 221-223, 226, 228, 229.

Rejections Under 35 USC § 103

Claims 186, 189, 204, 216, 219, 224 stand rejected under 35 USC §103(a) as being unpatentable over Montgomery in view of Voges, U.S. Patent No. 5,894,841. Claims 187, 205, 217, 225 stand rejected under 35 USC § 103(a) as being unpatentable over Montgomery in view of Voges and further in view of Weers, U.S. Patent No. 5,874,841. Claims 187, 205, 217, 225 stand rejected under 35 USC § 103(a) as being unpatentable over Montgomery. Solely to expedite prosecution and issuance of the application, the Applicants have cancelled Claims 186, 187, 189, 204, 205, 216, 217, 219, 224, and 225.

Allowable Subject Matter

Claims 124-130 and 211 have been indicated as being allowable. Claims 185 and 215 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants have amended Claims 185 and 215 to independent form including the limitations of the base claim and intervening claims.

Conclusion

The Applicants appreciate the Examiner's careful and thorough review of the application and submit that the Examiner's concerns have been addressed by the amendments and remarks above. The Applicants accordingly request the Examiner to withdraw all rejections and allow the application. In the event the Examiner believes a telephonic discussion would expedite allowance or help to resolve outstanding issues, prosecution of the application, then the Examiner is invited to call the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: March 1, 2010

/Katherine Lobel-Rice/
Katherine Lobel-Rice, #58,079
Swanson & Bratschun, L.L.C.
8210 Southpark Terrace
Littleton, CO 80120
Telephone: (303) 268-0066
Facsimile: (303) 268-0065

S:\ClientFolders\0208 (Alexza)\14.01R\OA Response 05.doc